

P-405/CP-89-1080 ORDER CERTIFYING POLLING RESULTS AND CLOSING
DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Petition for
Extended Area Service from the
Sherburn Exchange to the
Fairmont Exchange

ISSUE DATE: January 14, 1993

DOCKET NO. P-405/CP-89-1080

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AND CLOSING DOCKET

PROCEDURAL HISTORY

On December 6, 1989, subscribers in the Sherburn exchange filed a petition seeking extended area service (EAS) to the Fairmont exchange. Both Sherburn and Fairmont are served by Vista Telephone Company of Minnesota (Vista).

On October 30, 1990, the Commission issued its ORDER REQUIRING COST STUDIES AND PROPOSED RATES AND ESTABLISHING COMMENT PERIOD. In that Order the Commission found that the Sherburn/Fairmont petition met the first two criteria of Minn. Stat. § 237.161: the two exchanges are contiguous to each other; and there is sufficient traffic volume between the exchanges to support an EAS petition. The Commission ordered Vista to submit cost studies and proposed rates for the EAS proposal. This information would be given to Sherburn subscribers before they were polled regarding their opinion of the EAS proposal. If a majority of those responding to the poll favored EAS, the third and final criterion of the EAS statute would be fulfilled.

On January 27, 1992, Vista filed cost studies and proposed rates. The Department of Public Service submitted comments regarding Vista's filing on May 26, 1992.

On August 18, 1992, the Commission issued its ORDER ADOPTING RATES FOR POLLING. Between October 9 and December 9, 1992, Sherburn subscribers were polled to determine if a majority favored EAS to Fairmont. Of those who responded, 256 voted in favor of EAS, while 316 voted against EAS. Those favoring EAS thus equaled 44.8%, fewer than the 50% necessary to fulfill the third statutory requirement.

The matter came before the Commission for consideration on December 29, 1992.

FINDINGS AND CONCLUSIONS

Because fewer than 50% of the Sherburn subscribers who responded to the poll voted in favor of EAS to Fairmont, the EAS proposal has failed to meet a criterion under Minn. Stat. § 237.161, subd. 1:

(2) Polling by the commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the commission agree that no polling is necessary.

The Commission therefore finds that the Sherburn to Fairmont EAS petition has not met the requirements of the EAS statute. The Commission will certify the results of the polling process and will order the docket closed.

All Sherburn subscribers must be informed of the results of the polling. The Commission will therefore order Vista to notify its Sherburn subscribers of the voting results by means of a billing insert sent out in the earliest possible billing cycle. To ensure that the billing insert covers the necessary information, Vista should submit the proposed notice to the Commission for review.

ORDER

1. The polling results set forth in the body of this Order are certified as true and correct.
2. Within 10 days of the date of this Order, Vista shall submit for Commission review a proposed notice of polling results. When the notice is approved by the Commission or Commission staff, Vista shall include it as a billing insert in the next possible billing cycle. At that time, this docket will be closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)